

## **FDA EXTENDS ENFORCEMENT OF NEW NUTRITION FACTS LABEL ANOTHER 6 MONTHS**

Feb 21, 2020

Although January 1, 2020 was the deadline for many companies to implement the new Nutrition Facts label, the FDA states on its [Industry Resources on the Changes to the Nutrition Facts Label](#) web page that it will not take any enforcement actions for the first six months, or until after **July 1, 2020**.

The FDA initially set a general compliance date of July 2018. Manufacturers with annual food sales of less than \$10 million were given an additional year to comply. In May 2018, the FDA extended those compliance dates “by approximately 1.5 years.”

The FDA has provided the following example illustrating what’s different about the new Nutrition Facts label:

# NEW LABEL / WHAT'S DIFFERENT

Servings:  
larger,  
bolder type

<b>Nutrition Facts</b>	
8 servings per container	
<b>Serving size</b>	<b>2/3 cup (55g)</b>
<b>Amount per serving</b>	
<b>Calories</b>	<b>230</b>
<b>% Daily Value*</b>	
<b>Total Fat</b> 8g	<b>10%</b>
Saturated Fat 1g	<b>5%</b>
Trans Fat 0g	
<b>Cholesterol</b> 0mg	<b>0%</b>
<b>Sodium</b> 160mg	<b>7%</b>
<b>Total Carbohydrate</b> 37g	<b>13%</b>
Dietary Fiber 4g	<b>14%</b>
Total Sugars 12g	
Includes 10g Added Sugars	<b>20%</b>
<b>Protein</b> 3g	
Vitamin D 2mcg	10%
Calcium 260mg	20%
Iron 8mg	45%
Potassium 235mg	6%

Serving sizes  
updated

Calories:  
larger type

Updated  
daily  
values

Actual  
amounts  
declared

New  
footnote

New:  
added sugars

Change  
in nutrients  
required

Importantly, the new label requires:

- Declarations for “added sugars” in grams and as a percentage of Daily Value (% DV);
- Updated list of declared nutrients. Disclosure of vitamin D and potassium will be required. Calcium and iron will continue to be required. Vitamins A and C will no longer be required but can be included on a voluntary basis.
- Continuing to retire “Total Fat,” “Saturated Fat,” and “Trans Fat,” but no longer require “Calories from Fat,” since research shows the type of fat is more important than the amount.

- Updated daily values for nutrients like sodium, dietary fiber and vitamin D; and
- Updated serving sizes and labeling requirements for certain package sizes.

The FDA has also issued a non-binding guidance, titled “[Nutrition and Supplement Facts Labels: Questions and Answers Related to the Compliance Date, Added Sugars, and Declaration of Quantitative Amounts for Vitamins and Minerals: Guidance for the Industry](#)”, that should be helpful to food and dietary supplement manufacturers who have questions on how to implement the final rules, including when to include “added sugars” on the label or when to include a specific amount of a vitamin or mineral.

The guidance has four substantive sections.

- The first addresses questions on general compliance with the Nutrition Facts label rules.
- The second section includes detailed questions and answers on issues related to “added sugars” on nutrition labels. For example, the guidance addresses when certain fruits and vegetable components will count as “added sugars” for purposes of labeling.
- The third (very brief) section includes one question and answer addressing formatting questions for nutrition labels.
- Finally, the fourth section includes detailed questions and answers discussing when nutrition labels must include the specific amount of a vitamin or mineral. Generally, when a vitamin or mineral needs to be listed on the label depends on the RDI for that specific vitamin or mineral.

For questions or more information, contact the authors.

## **RELATED PRACTICE AREAS**

- Food & Agribusiness

## MEET THE TEAM



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